

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION**

NAOMI LYNN HALE,

Plaintiff,

vs.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security
Administration,

Defendant.

CV 21-53-H-JTJ

ORDER

Plaintiff Naomi Lynn Hale (Hale) has moved for an award of attorney's fees and expenses under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d). Hale initially sought attorney's fees in the amount of \$12,958.31. (Doc. 21 at 3). Hale agreed to reduce her fee request to \$12,310.39 after conferring with the Commissioner of the Social Security Administration (Commissioner). (Doc. 21 at 3). The Commissioner does not oppose Hale's motion for EAJA fees in the amount of \$12,310.39 and expenses in the amount of \$18.39. *Id.*

The Court has reviewed Hale's application. The Court finds that the application is proper and that the amount requested is reasonable.

Fee awards under EAJA are subject to an offset to satisfy any debt that the plaintiff owes the government. *Astrue v. Ratliff*, 560 U.S. 586, 593-94 (2010). If

the plaintiff has no debt that qualifies as an offset under the Treasury Offset Program, the plaintiff may assign his or her right to receive the fee award to his or her attorney. *Id.* at 597-98; *Webster v. Berryhill*, 2018 WL 4290395, *2 (D. Mont. Sept. 7, 2018).

Accordingly, IT IS HEREBY ORDERED:

1. Hale's Application for an Award of EAJA Fees and expenses (Doc. 20) is GRANTED. Hale is entitled to an award of attorney's fees and expenses under 28 U.S.C. § 2412 in the amount of \$12,328.78, less any offset allowed under the Treasury Offset Program.
2. If, after receiving this Order, the Commissioner determines that Hale owes a debt that qualifies as an offset under the Treasury Offset Program, the Commissioner should issue a check made payable to Hale in the amount of \$12,328.78 less the amount of the offset. Hale's award check should be mailed to Hale's attorney, Eric Rasmusson, at the following address:

Rasmusson Law Offices PLLC
218 East Front Street, Suite 200
P.O. Box 7825
Missoula, MT 59807

3. If the Commissioner determines that Hale has no outstanding debt that qualifies as an offset under the Treasury Offset Program, and that Hale has

assigned her right to the EAJA fee award to her attorney, the Commissioner should make the check payable to Eric Rasmusson.

DATED this 24th day of January, 2023.



John Johnston
United States Magistrate Judge